



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

INDEX.

LEADING ARTICLES IN VOLUME III.

| | PAGE. |
|--|----------|
| ADVERSARY POSSESSION— <i>H. C. McDowell, Jr.</i> | 763 |
| ADVERSARY POSSESSION—A Reply— <i>Prof. R. C. Minor</i> | 843 |
| APPELLATE COURT LAWYER, THE— <i>Robert M. Hughes</i> | 355 |
| BURKS, JUDGE EDWARD C.—Sketch of (with portrait)— <i>Hon. George L. Christian</i> | 323 |
| DEED OF TRUST ON STOCK OF GOODS— <i>J. R. Tucker</i> | 849 |
| GENERAL CONTRACTUAL POWERS OF MARRIED WOMEN UNDER VIRGINIA CODE— <i>W. M. Lile</i> | 635 |
| GOVERNMENT BY INJUNCTION— <i>W. G. Peterkin</i> | 549 |
| GOVERNMENT BY INJUNCTION— <i>S. S. P. Patteson</i> | 625 |
| JURISDICTION OF COUNTY COURT IN MISDEMEANOR CASES— <i>Hon. John H. Ingram</i> | 17 |
| LAWMAKING— <i>Hon. John W. Griggs</i> | 506 |
| LEADERLESS GOVERNMENT— <i>Prof. Woodrow Wilson</i> | 337 |
| LEGISLATION SINCE THE CODE— <i>W. P. McRae</i> | 395 |
| LIEN OF FIERI FACIAS UPON PROPERTY IN HANDS OF RECEIVER.— <i>Daniel Grinnan</i> | 23 |
| NAKED POWERS AND POWERS COUPLED WITH AN INTEREST— <i>Hon. W. B. Pettit</i> | 81 |
| POOL AND TRUST, THE— <i>William L. Royall</i> | 163, 241 |
| PRISON ASSOCIATION LAWS OF VIRGINIA— <i>John J. Burroughs</i> | 421 |
| RES JUDICATA— <i>M. P. Burks</i> | 273 |
| SALES OF CHATTELS—RETENTION OF POSSESSION BY SELLER— <i>George Pilcher</i> | 501 |
| STAPLES, HON. WALLER R.—Sketch of (with portrait)— <i>Hon. Henry E. Blair</i> | 689 |
| TRIAL OF AARON BURR (with portrait of the author)— <i>Hon. W. W. Henry</i> 477 | |
| TUCKER, JOHN RANDOLPH—Sketch of (with portrait)— <i>R. T. Barton</i> | 1 |
| UNPUBLISHED LETTER OF CHANCELLOR KENT..... | 563 |
| WINGFIELD, JUDGE G. A.—Sketch of (with portrait)— <i>Graham Claytor</i> | 755 |

**TABLE OF CASES REPORTED IN FULL IN
VOLUME III.**

| | PAGE |
|--|------|
| BIRDSELL & Co. v. GUILL (<i>Cir. Ct. Halifax Co.</i>): | |
| Negotiable paper—Conditional sales (<i>Annotated</i>)..... | 895 |
| BOLTON v. VELLINES: | |
| Malicious prosecution..... | 120 |
| BRADLEY SALT CO. v. NORFOLK & C. CO.: | |
| Seals (<i>Annotated</i>)..... | 722 |
| BURRUSS v. HINES: | |
| Measure of damages..... | 130 |
| CARDWELL v. KELLY: | |
| Corporations—Subscriptions to stock—Illegality..... | 884 |
| CITY OF NORFOLK v. NORFOLK LANDMARK ETC. CO.: | |
| Constitutional law—Taxing newspapers—Freedom of the press..... | 890 |
| CITY OF RICHMOND v. SOUTHERN BELL TELEPHONE CO. (<i>U. S. Cir. Ct. App.</i>): | |
| Telephone companies—Right to occupy streets. | 856 |
| COONS v. COONS: | |
| Arbitration and award | 716 |
| COVINGTON & C. TURNPIKE CO. v. SANDFORD (<i>U. S. Sup. Ct.</i>): | |
| Regulation of tolls—Due process of law..... | 26 |
| CROWTHER v. FIDELITY ETC. CO. (<i>U. S. Cir. Ct. App.</i>): | |
| Constitutional law—Supply liens—Code, sec. 2485..... | 867 |
| DEZENDORF v. HUMPHREYS: | |
| Equitable separate estate (<i>Annotated</i>)..... | 793 |
| EVANS v. ROANOKE SAVINGS BANK: | |
| Conflicting liens—Mortgages securing negotiable paper (<i>Annotated</i>).... | 705 |
| FIFIELD v. VANWYCK: | |
| Wills—Charitable trusts..... | 209 |
| FULKERSON v. TREASURER OF BRISTOL: | |
| Taxes (<i>Annotated</i>)..... | 363 |
| GRUBBS v. NATIONAL LIFE & C. CO.: | |
| Pleading—Corporate seals (<i>Annotated</i>)..... | 279 |
| GUARANTEE ETC. CO. v. FIRST NATIONAL BANK: | |
| Removal of causes—Pleading..... | 873 |
| HASKIN ETC. CO. v. CLEVELAND ETC. CO.: | |
| Corporations (<i>Annotated</i>)..... | 108 |
| KEESEE v. MELVIN: | |
| Election laws (<i>Annotated</i>) | 284 |
| KIBLER v. COMMONWEALTH: | |
| (<i>Annotated</i>)..... | 99 |
| KIMBALL v. FRIEND: | |
| Railroad crossings—Negligence | 650 |

INDEX.

III

| | PAGE |
|--|------|
| LIBERTY PERPETUAL &c. Co. v. M. A. FURBUSH &c. Co. (U. S. Circ. Ct. App.) | 86 |
| Labor liens (<i>Annotated</i>)..... | 86 |
| LONG v. MERIDEN BRITANNIA Co.: | |
| Fraudulent conveyances (<i>Annotated</i>)..... | 287 |
| MAYOR ETC. OF BALTIMORE v. BALTIMORE TRUST &c. Co. (U. S. Sup. Ct.) | |
| Licenses for use of streets..... | 189 |
| MORRIS v. DEANE : | |
| Appeals—Unlawful detainer (<i>Annotated</i>)..... | 225 |
| MUMPOW V. CITY OF BRISTOL : | |
| Survival of actions (<i>Annotated</i>)..... | 439 |
| NEWBERRY LAND Co. v. HARMON NEWBERRY : | |
| Pleading—Corporations | 597 |
| NEWBERRY LAND Co. v. NEWBERRY: | |
| Breach of contract—demurrer | 584 |
| NORFOLK & WESTERN R. Co. v. HOCHINS: | |
| Fellow servants..... | 807 |
| NORFOLK & WESTERN R. Co. v. OVERTON (Circ. Court of Rockbridge) : | 735 |
| Prohibition (<i>Annotated</i>)..... | 735 |
| PETTICOLAS v. CITY OF RICHMOND : | |
| Joint trespassers—Merger (<i>Annotated</i>)..... | 803 |
| PRESTON v. KINDRICK : | |
| Conclusiveness of officer's return (<i>Annotated</i>)..... | 431 |
| REESE v. BATES : | |
| Principal and agent—warranty..... | 136 |
| RICHMOND ETC. R. Co. v. MOORE : | |
| Unsafe premises..... | 572 |
| RITTER v. MUTUAL LIFE ETC. Co. (U. S. Sup. Ct.): | |
| Life insurance—Suicide..... | 776 |
| ROSENBAUM v. SEDDON: | |
| Res judicata (<i>Annotated</i>)..... | 270 |
| SENTELL v. NEW ORLEANS &c. R. Co. (U. S. Sup. Ct.): | |
| Property in dogs | 200 |
| SHEPPARD v. ADAMS (U. S. Sup. Ct.): | |
| Appeals—Federal practice (<i>Annotated</i>). | 679 |
| SPENCE v. REPASS : | |
| Fraudulent conveyance—Lien of fi. fa (<i>Annotated</i>). | 426 |
| STEWART v. B. & O. RAILWAY Co. (U. S. Sup. Ct.): | |
| Conflict of laws..... | 645 |
| TAYLOR v. MAHONEY : | |
| Fraudulent conveyances..... | 116 |
| TEMPLE v. WRIGHT: | |
| Construction of instruments..... | 44 |
| THOM v. THOM : | |
| Trusts (<i>Annotated</i>). | 729 |
| THOMAS v. JONES : | |
| Lien for taxes (<i>Annotated by Jackson Guy</i>). | 523 |
| WESTERN UNION TEL. Co. v. GODDIN : | |
| Appeals..... | 220 |

TABLE OF CASES DIGESTED IN VOLUME III.

| | PAGE |
|--|------|
| Augsburg Land &c. Co. v. Pepper..... | 459 |
| Ballou v. Ballou..... | 54 |
| B. & O. R. Co. v. Few..... | 48 |
| Baltimore Steam Packet Co. v. Williams..... | 299 |
| Booker's Loan &c. Co. v. Hornish..... | 372 |
| Bell v. Wood..... | 450 |
| Bishop v. Bristol Land Co..... | 455 |
| Blakemore v. Wise..... | 825 |
| Blankenship v. Chesapeake & Ohio Railway Co..... | 299 |
| Boston Blower Co. v. Carman Lumber Co..... | 50 |
| Boyd v. Cleghorn..... | 455 |
| Bristol Iron &c. Co. v. Caldwell..... | 460 |
| Buford v. North Roanoke etc. Co..... | 372 |
| Carper v. Norfolk & Western R. Co..... | 304 |
| Catt v. Knabe & Co. Mfg. Co..... | 48 |
| Central Land Co. v. Johnston..... | 824 |
| Cheatham v. Gower..... | 666 |
| Chesapeake etc. Association v. Coleman..... | 58 |
| Childress v. Chesapeake & Ohio R. Co..... | 445 |
| City of Norfolk v. Johnakin..... | 52 |
| City of Norfolk v. Pollard..... | 370 |
| City of Petersburg v. Cocke..... | 51 |
| Combs v. Chandler..... | 458 |
| Combs v. Commonwealth..... | 460 |
| Commonwealth v. Ashlin..... | 739 |
| Commonwealth v. Fulks. . | 373 |
| Corr v. Lewis..... | 666 |
| Cox v. Cox..... | 738 |
| Craig v. Hoge..... | 824 |
| Crescent Horse Shoe etc. Co. v. Enyon..... | 740 |
| Cromwell v. Commonwealth..... | 822 |
| Derbyshire v. Jones..... | 50 |
| Ellett v. McGhee. . | 56 |
| Farmers &c. Ins. Assoc'n v. Williams..... | 823 |
| Ferguson v. Daughtrey..... | 371 |
| Fidelity &c. Co. v. Roanoke Iron Co. (<i>U. S. Circ. Ct.</i>)..... | 375 |
| Fisher v. White..... | 51 |
| Ford v. Watts..... | 820 |
| Fourth St. Nat. Bank v. Yardley (<i>U. S. Sup. Ct.</i>)..... | 60 |
| Freeman v. Butters..... | 667 |
| Fuller v. Conrad..... | 51 |

INDEX.

v

| | PAGE |
|---|---------|
| Gaines v. Marye, Auditor..... | 447 |
| Gary v. Abingdon Pub. Co..... | 455 |
| Groner v. Foster..... | 450 |
| Grosh v. Ivanhoe etc. Co..... | 739 |
| Hansbrough v. Neal..... | 452 |
| Harman v. Stearnes..... | 454 |
| Haupt v. Tebault..... | 445 |
| Hazlewood v. Forrer..... | 451 |
| Hicks v. Roanoke Brick Co..... | 453 |
| Hudgins v. Simon | 449 |
| Hull v. Watts..... | 458 |
| Hurt v. Miller..... | 457 |
| Insurance Company v. Gamble..... | 738 |
| James v. Kibler..... | 444 |
| Jameson v. Rixey..... | 54 |
| Jones v. Byrne..... | 738 |
| Jordan v. Buena Vista Co..... | 825 |
| Kimball v. Borden..... | 821 |
| Kimball v. Carter..... | 460 |
| Kinnier v. Woodson..... | 451 |
| Lambert v. Ensign Mfg. Co. (W. Va.)..... | 63 |
| Lynchburg Locomotive Works v. Ford..... | 448 |
| Lynchburg Trust &c. Bank v. A. G. Elliott & Co..... | 451 |
| McCartney v. Potomac &c. Co. (Tyner)..... | 65, 446 |
| McCartney v. Tyrer (Potomac Electric Co.)..... | 446 |
| McDonald v. Norfolk & Western R. Co..... | 461 |
| Manly Mfg. Co. v. Broaddus..... | 303 |
| Marchant v. Healy..... | 372 |
| Martin v. Martin..... | 457 |
| Masonic Temple Ass'n v. Banks..... | 451 |
| Max Meadows etc. Co. v. Bridges..... | 739 |
| Morganstern v. Commonwealth..... | 49 |
| Morotock Insurance Co. v. Fostoria Novelty Co..... | 55 |
| Moss v. Barham..... | 666 |
| Mutual Fire Ins. Co. v. Ward..... | 822 |
| Mutual Life Ins. Co. v. Oliver..... | 827 |
| National Bank of Va. v. Nolting..... | 447 |
| New York Life Ins. Co. v. Davis..... | 57 |
| Nunnally v. Strauss..... | 369 |
| Osborne v. Pulaski &c. Co..... | 456 |
| Penn v. Hearon..... | 455 |
| Pettus v. Atlantic etc. Loan Ass'n..... | 667 |
| Piedmont Bank v. Hatcher..... | 369 |
| Powell v. Town of Wytheville..... | 459 |
| Priddie v. Thompson (<i>U. S. Circ. Ct.</i>)..... | 381 |
| Rader v. Bristol Land Co..... | 455 |
| Reeves v. Wm. Knabe & Co..... | 48 |

INDEX.

| | PAGE |
|---|------|
| Reynolds v. Commonwealth..... | 447 |
| Richardson v. Planters Bank..... | 50 |
| Richmond Locomotive Works v. Ford..... | 448 |
| Robertson v. Smith..... | 52 |
| Sherwood v. Atlantic &c. Railway Co. | 53 |
| Shields v. Mahoney..... | 302 |
| Sims v. Sims..... | 304 |
| Smith v. Burton..... | 444 |
| Smith v. Packard..... | 452 |
| Southern Railway Co. v. Bryant..... | 820 |
| Southern Railway Co. v. Smith..... | 741 |
| Southern Railway Co. v. Torian..... | 826 |
| Southwest Va. Mineral Co. v. Chase..... | 458 |
| Stonebraker v. Hicks..... | 373 |
| Strasburg v. Winchester etc. R. Co. | 449 |
| Sulphur Mines v. Boswell | 301 |
| Sulphur Mines Co. v. Phoenix Insurance Co. | 55 |
| Tarter v. Wilson | 456 |
| Terry v. City of Richmond..... | 303 |
| Thomas v. Jones..... | 456 |
| Turnbull v. Mann..... | 445 |
| Tutwiler v. Chesapeake & Ohio R. Co. | 826 |
| Union Bank v. City of Richmond..... | 371 |
| Union Cent. Life Ins. Co. v. Pollard..... | 666 |
| Va. & Tenn. Coal & Iron Co. v. Fields..... | 665 |
| Walker v. Tyler..... | 303 |
| Wallace v. City of Richmond..... | 446 |
| Washington Southern Railway Co. v. Lacey..... | 300 |
| Western Union Telegraph Co. v. Powell..... | 369 |
| Wilderberger v. Cheek..... | 302 |
| Young v. Easley..... | 446 |

GENERAL INDEX TO VOLUME III.

| | PAGE |
|--|----------|
| ACCORD AND SATISFACTION. | |
| Payment of less than amount due—rule in Virginia by statute..... | 616 |
| ADMISSION TO THE BAR. | |
| Colorado—recent rules..... | 674 |
| Illinois—recent rules..... | 604 |
| Ohio—new rules..... | 752 |
| On diploma from a law school..... | 530 |
| Resolutions of the American Bar Association on the subject..... | 828 |
| Virginia—examination at Staunton—list of questions..... | 465 |
| Virginia—examination at Wytheville—list of successful applicants—copy of questions..... | 315 |
| Virginia—forms of application, etc..... | 152 |
| West Virginia—recent bar examination..... | 374 |
| West Virginia—recent regulations..... | 317 |
| ADVERSARY POSSESSION. | |
| Article by H. C. McDowell, Jr..... | 763 |
| Article by Prof. R. C. Minor..... | 843 |
| AGENCY. | |
| See " <i>Principal and Agent.</i> " | |
| ALIMONY. | |
| See " <i>Husband and Wife.</i> " | |
| ALTERATION OF INSTRUMENTS. | |
| Immaterial—does not affect validity..... | 665 |
| AMERICAN BAR ASSOCIATION. | |
| Resolutions in respect to law studies, as preliminary to graduation or admission to the bar..... | 828 |
| ANIMALS. | |
| Dogs—State may recognize as property, only such as are listed for taxation..... | 200 |
| See " <i>Game Laws.</i> " | |
| ANNUITY TABLES. | 69 |
| APPEAL AND ERROR. | |
| Amount in controversy—difference between amount claimed and amount recovered..... | 372 |
| Appeals of right, under sec. 3453 of Code..... | 226 |
| Bill of exceptions—not necessary to action of circuit court on appeal from county court | 225 |
| Bills of exception to exclusion of evidence—essentials..... | 445, 460 |
| Bills of exception—stipulations of counsel waiving, not regarded in ap- pellate court..... | 99 |
| Bills of exception—time of signing—if points saved during trial, and judgment at subsequent term, may be signed during latter term..... | 449 |

| APPEAL AND ERROR— <i>Continued.</i> | PAGE |
|---|-------------------|
| Certificate of facts—of evidence—duty of trial court | 370 |
| Contempt—proceedings not reviewable by <i>habeas corpus</i> | 822 |
| Correct decree, based on erroneous reasons, affirmed..... | 455 |
| Dismissal—for failure to execute bond, is an affirmance..... | 453 |
| Evidence—objection must first be made in lower court..... | 55, 370, 372, 444 |
| Federal Court—appeal from District Court to U. S. Supreme Court on question of jurisdiction..... | 697 |
| Harmless error..... | 56, 445 |
| Jurisdiction—amount in controversy—aggregate of amount decreed to several appellees, is amount in controversy as to appellant..... | 453 |
| Jurisdiction—constitutional questions—once attached continues, for all purposes, though law held to be constitutional in case previously heard | 370 |
| Limitation to appeal from decree refusing bill of review—sec. 3455 of Code..... | 372 |
| New trial—motion for, necessary, but formal bill of exceptions not essen- tial, if record otherwise shows it..... | 370 |
| Res judicata—questions involved in first appeal are, on second appeal.. | 270 |
| Res judicata—where the evidence on second trial is same as on first, rul- ing of appellate court on first trial is law of the case..... | 304 |
| Two trials—error in setting aside verdict on first trial—rule of decision. | 449 |
| APPEALS IN CRIMINAL CASES. | |
| Resolution of American Bar Association | 61 |
| APPELLATE COURT LAWYER, THE. | |
| Paper by Robert M. Hughes..... | 355 |
| ARBITRATION AND AWARD. | |
| Umpire—appointment after disagreement of arbitrators—right of parties to rehearing..... | 716 |
| ASSIGNMENTS. | |
| Action for personal injuries—assignable under statute making action re- vivable..... | 609 |
| Assignee must sue in his own name, in a court of equity..... | 455, 457 |
| Check operating as..... | 60 |
| Choses in action—assignee's remedy against assignor..... | 745 |
| Equitable—promise of an assignee of a fund, made to assignor, to pay part of fund when received, to a third person, does not constitute lat- ter equitable assignee. | 453 |
| Order on a fund, operates as an assignment, without acceptance..... | 58, 454 |
| ASSIGNMENT FOR CREDITORS. | |
| <i>See “Fraudulent Conveyances.”</i> | |
| ASSUMPSIT. | |
| Action of—interchangeable with covenant, in Virginia..... | 829 |
| Failure of consideration—action to recover, where contract under seal.. | 597 |
| ATTACHMENT. | |
| Return—need not aver service within officer's bailiwick..... | 873 |
| ATTORNEY AND CLIENT. | |
| A lawyer in his own case..... | 674 |
| Contract to prevent finding an indictment—illegal..... | 607 |

| | PAGE |
|--|----------|
| ATTORNEY AND CLIENT—Continued. | |
| Disbarment for criminal act before trial by jury for the offense..... | 310 |
| Fees—when recoverable as part of damages..... | 130 |
| License tax—power of city to tax non-resident attorneys..... | 51 |
| BAILMENTS. | |
| Contributory negligence of bailee—no defence in action by bailor against third person for the negligent injury..... | 907 |
| BANKS AND BANKING. | |
| Check as an assignment..... | 60 |
| Checks—liability on payment of raised—negligence of drawer..... | 447 |
| Collecting bank—liability for defaults of sub-agent..... | 746 |
| Set-off—unmatured note of insolvent depositor against his general bal- ance..... | 308 |
| Taxation of shares—taxable though capital stock exempt..... | 371 |
| Taxation—Situs of shares..... | 372 |
| Virginia banking laws | 533 |
| See “ <i>National Banks.</i> ” | |
| BAR EXAMINATIONS. | |
| See “ <i>Admission to the Bar.</i> ” | |
| BICYCLISTS. | |
| See “ <i>Railroads.</i> ” | |
| BILLS AND NOTES. | |
| See “ <i>Negotiable instruments.</i> ” | |
| BILLS OF EXCEPTION. | |
| See “ <i>Appeal and Error.</i> ” | |
| BIRDS. | |
| See “ <i>Game Laws.</i> ” | |
| BOARD OF SUPERVISORS. | |
| County property—board may acquire possession, if withheld, as any other suitor..... | 303 |
| County property—liens on—no authority to grant, or permit mechan- ic's lien..... | 304 |
| Power and duty to provide public buildings—secs. 836-7-8 of Code..... | 303 |
| Taxpayer cannot maintain suit in equity for settlement of account be- tween board and a third person, in absence of fraudulent collusion... . | 303 |
| BONDS. | |
| Forthcoming bond—if not in conformity to statute, has not force of a judgment..... | 451 |
| Indemnifying—declaration on..... | 444, 873 |
| BOOK REVIEWS. | |
| Alger on Promoters of Corporations..... | 623 |
| American State Reports, vol. 56. | |
| Barringer and Adams on Law of Mines and Mining..... | 688 |
| Burdick on Sales of Personal Property..... | 393 |
| Codified Negotiable Instruments Law of New York..... | 393 |
| Dabney's Federal Jurisdiction and Procedure— <i>Robert M. Hughes.</i> | 238 |
| General Digest—vol. 3— <i>M. P. Burks.</i> | 624 |
| Graves' Summary of Title to Personal Property— <i>M. P. Burks.</i> | 687 |

INDEX.

| BOOK REVIEWS— <i>Continued.</i> | PAGE |
|--|--------------------|
| Hurst & Brown's Annotated Digest of Virginia Reports— <i>Prof. C. A. Graves</i> | 236 |
| Lawyers Reports Annotated—vol. 36— <i>M. P. Burks</i> | 688 |
| Lindley on Mines and Mineral Lands..... | 688 |
| Royall's History of the Virginia Debt Controversy..... | 476 |
| Schouler on Bailments and Carriers..... | 623 |
| Short on Railway Bonds and Mortgages..... | 687 |
| United States Circuit Court of Appeals Reports—vol. 24..... | 393 |
| Virginia Reports—vol. 93..... | 229 |
| BOYCOTT. | |
| Legality of | 677 |
| <i>See "Injunctions."</i> | |
| BURKS, HON. EDWARD C.—Death—editorial notice of..... | 305 |
| Letter on charitable trusts in Virginia..... | 539 |
| Resolutions of Bar of Bedford upon his death..... | 389 |
| Sketch of, with portrait, by Hon. Geo. L. Christian..... | 323 |
| Tribute to his memory by Judge S. G. Whittle..... | 387 |
| BURR, AARON. | |
| The trial of—Paper by Hon. W. W. Henry..... | 477 |
| CHAMPERTY. | |
| What constitutes..... | 676 |
| CHANCERY JURISDICTION. | |
| Cloud on title—oral claim not of record—equity will not assume jurisdiction..... | 301 |
| Deficiency in quantity of land sold by the acre—equitable relief..... | 458 |
| Equal equities—legal title prevails—otherwise priority of time..... | 705 |
| Execution creditor—equity of redemption in personal property—without levy, no jurisdiction to enforce..... | 426 |
| False representations—if material, equity presumes were relied upon—good faith of party making them, no defense..... | 739 |
| False representations—right of other party to rely upon, without inquiry | 842 |
| Injunction against crimes—strikes—boycott..... | 549, 625, 677, 684 |
| Injunction of nuisances—flooding cellar—principles applicable..... | 451 |
| Injunction to prevent removal from office..... | 381 |
| Injunction—to protect trade secrets..... | 535 |
| Judgments—relief against, on false return—not granted..... | 431 |
| Judgment liens—are legal liens—personalty need not be first exhausted—subsequent lien creditors cannot complain that prior judgment creditor has not exhausted personalty..... | 826 |
| Laches—mere delay does not constitute—rule by which court will be guided..... | 450 |
| Legal rights enforced, where jurisdiction attaches on other grounds, 58, 716 | |
| Liens—priorities—after judgment debtor aliens part of his lands, subsequent lien creditors cannot compel prior creditor to follow aliened lands for their relief..... | 826 |
| Marshalling securities—judgment liens—priorities..... | 744 |

INDEX.

xi

CHANCERY JURISDICTION—*Continued.*

| | PAGE |
|---|------|
| Marshalling securities—not proper where result would be to injure the doubly secured creditor, or third persons with superior equities..... | 825 |
| Marshalling—successive alienations of land, subject to liens—that last aliened must be first exhausted..... | 826 |
| Rescission—laches no bar, where no rights have intervened and no injury done by the delay..... | 740 |
| Rescission—promptness required..... | 457 |
| Rescission—for fraudulent representations—immaterial whether party making representations knew of their falsity or not..... | 739 |
| Riparian owners—navigable waters—port warden's line—defining boundaries | 450 |
| Subrogation—surety must first satisfy debt to creditor..... | 458 |
| Vendor's lien on personal property—remedy at law..... | 50 |
| <i>See “Injunctions.”</i> | |

CHANCERY PRACTICE.

| | |
|---|-----|
| Account of liens—Error to decree sale of land to pay liens, without.... | 460 |
| Account—order of, not granted without proof that plaintiff is entitled to it | 299 |
| Answer of defendant, not evidence against co-defendant..... | 51 |
| Assignee—suit by, must be in his own name in equity..... | 455 |
| Assignee must sue in his own name—but if made party by a cross-bill, and answers the same, bill in name of assignor will not be dismissed. | 457 |
| Commissioner's bond—can only be executed before appointing court, or judge or clerk of such court..... | 459 |
| Commissioner's deed—departure from decree, subsequently ratified..... | 454 |
| Commissioner's deed—if duly authorized, no copy need be filed..... | 665 |
| Commissioner's report—exceptions may properly be based on facts outside of the record, if alleged to be of record in the clerk's office of the court..... | 738 |
| Commissioner's report—exceptions must be specific..... | 457 |
| Compensation—for deficiency in exchange of lands—court should first inquire whether specific performance practicable..... | 739 |
| Complete relief..... | 58 |
| Complete relief—bill to set aside award—court will proceed to settle controversy | 716 |
| Complete relief—suit to enforce deed of trust—personal decree for residue..... | 705 |
| Continuance—error not to grant, in case of surprise..... | 57 |
| Cross-bill—objects and characteristics—new parties..... | 50 |
| Decree of sale—error unless amount due ascertained— <i>de minimis</i> | 459 |
| Denial of handwriting—sec. 3279..... | 369 |
| Dismissal of bill carries dismissal of cross-bill filed by co-defendant.... | 301 |
| Dominion of plaintiff—continues until order of reference..... | 825 |
| Final decree—what is..... | 304 |
| Infants—consent decrees against..... | 750 |
| Injunction—acquiescence | 299 |
| Injunction—against execution—on motion to dissolve, court must consider execution..... | 820 |

| CHANCERY PRACTICE— <i>Continued.</i> | PAGE |
|--|----------|
| Issue out of chancery—conflict of evidence—effect of verdict..... | 458 |
| Judicial sales—confirmation—affidavits—reference to commissioner..... | 52 |
| Judicial sales—inadequacy of price—if sufficiently advertised, well attended and fairly conducted, should be confirmed..... | 451 |
| Judicial sales—made on terms different from decree—subsequent confirmation..... | 52 |
| Judicial sales—purchaser compelled by rule to comply..... | 52 |
| Jurisdiction—conflict of—court first acquiring, retains..... | 824 |
| Jurisdiction—if bill shows proper matter for jurisdiction of the court, exception for want of jurisdiction must be made by plea in abatement, 738, 873 | |
| Jurisdiction—if remedy legal, objection may be made for the first time in appellate court..... | 50 |
| Legal rights will be enforced in equity, where court has jurisdiction on other grounds..... | 58, 716 |
| Multifariousness—depends upon allegations not the prayer of the bill.. | 369 |
| Multifariousness—several plaintiffs injured by same fraud, sustaining same injury, and seeking same relief, may unite in a single suit..... | 455 |
| Parties—suit for partition—mortgagees and other lienors not necessary.. | 457 |
| Personal decree, upon foreclosure of mortgages..... | 51 |
| Receiver—appointment of without objection is waiver of objection..... | 57 |
| Specific performance—contract signed by party to be charged sufficient.. | 824 |
| Specific performance—error to decree sale before ascertainment of amount due— <i>de minimis</i> | 459 |
| Subrogation—need not be specifically prayed for, if facts disclosed justify it | 372 |
| Trusts—in suit by trustee to administer trust fund for creditors, a creditor may come in and assail any debt secured, as fraudulent..... | 824 |
| Trusts—suit by trustee to administer trust, gives court complete jurisdiction, which cannot be ousted by a creditor's suit brought in another form | 824 |
| <i>See "Mortgages," "Receivers," "Jurisdiction of Courts," "Specific Performance," etc.</i> | |
| CHARITIES. | |
| Law of charities in Virginia— <i>Fifield v. Vanwyck</i> | 209, 537 |
| Letter of Judge Burks on Churchman case..... | 539 |
| <i>See "Wills."</i> | |
| CHECKS. | |
| <i>See "Negotiable Instruments," "Banks and Banking."</i> | |
| CITIZENSHIP. | |
| Convict in penitentiary—compulsory removal to penitentiary in another State does not constitute change of citizenship..... | 873 |
| CIVIL SERVICE. | |
| Injunction to prevent removal from office..... | 381 |
| CLOUD ON TITLE. | |
| <i>See "Chancery Jurisdiction."</i> | |
| CODE OF VIRGINIA, 1887. | |
| Construed as one act—inharmonious sections—rule of construction..... | 447 |

INDEX.

xiii

CODE OF VIRGINIA, 1887—*Continued.*

| | PAGE |
|--|--------------|
| Secs. 117—130—133—elections | 284 |
| 166—penalty for selling office | 470 |
| 183—register of land office | 447 |
| 661—tax titles | 661 |
| 836—7—8—board of supervisors | 303 |
| 1042, 1048—municipal corporations | 890 |
| 1149—preferences by corporations | 108, 114 |
| 1234—duties of purchaser of railroad under foreclosure proceedings . | 53 |
| 1258—9—railroads—fencing track | 460 |
| 1291—2—telegraph companies | 369 |
| 1295—carriers | 907 |
| 1908—register of land office | 447 |
| 2038—lawful fence | 463 |
| 2413—conveyances by deed | 444 |
| 2415—contract for benefit of third person | 584 |
| 2439—deeds of release | 454 |
| 2442—sales by trustees | 116 |
| 2460—suits to avoid fraudulent conveyances | 743, 825 |
| 2475—mechanics' liens | 108, 454 |
| 2485—supply liens | 50, 375, 867 |
| 2486—labor liens | 86 |
| 2498—entry of satisfaction of liens | 445, 705 |
| 2502—wife's conveyance | 605 |
| 2521, 2523—lapse of legacies | 302 |
| 2655—survival of actions | 439 |
| 2740—adverse possession | 763, 843 |
| 2934—statute of limitations | 532 |
| 3211—motions for recovery of money | 279 |
| 3252—type in which insurance policy printed | 55 |
| 3260—plea to jurisdiction | 738, 873 |
| 3279—denial of handwriting | 369 |
| 3299—equitable pleas—fraud | 873 |
| 3346, 3348—competency of witnesses | 827 |
| 3351—calling adversary as witness | 371 |
| 3419—substitution of trustee | 667 |
| 3451—correction of error in judgments by default | 431 |
| 3453—appeals of right | 226 |
| 3455—limitations—appeals | 372 |
| 3484—certificate of evidence | 370 |
| 3542—new trials—payment of costs | 445 |
| 3575—judgment liens—alienation of part of land | 826 |
| 3601—lien of fieri facias | 302, 379 |
| 3609—garnishment | 379 |
| 3617, 3619—forthcoming bonds | 451 |
| 3667—seduction | 161 |
| 3804—sale of liquor on Sunday | 49 |
| 3815—gaming | 479 |

| CODE OF VIRGINIA, 1887— <i>Continued.</i> | PAGE |
|--|--------------------|
| Sec. 4047—discharge from prosecution..... | 99, 107 |
| 4093—recognizances..... | 373 |
| COMMISSIONERS OF SALE. | |
| Bond—can only be executed before appointing court or judge or clerk thereof..... | 459 |
| Deed—if authorized by court and subsequently ratified, no copy need be filed | 665 |
| <i>See "Chancery Practice."</i> | |
| COMMON CARRIERS. | |
| Delivery of goods to imposter, who impersonated consignee in ordering them..... | 616 |
| Passengers—ejection for refusal to pay fare of child..... | 836 |
| Responsibility for loss beyond own line—Code, sec. 1295, constitutional, 907 | |
| <i>See "Railroads."</i> | |
| CONDITIONS. | |
| Subsequent—right of re-entry for breach, belongs to heir, not devisee... . | 751 |
| CONFLICT OF LAWS. | |
| Action for wrongful death occurring in another State..... | 607, 645, 668, 914 |
| Assault by commander of revolutionary forces, in foreign country—no right of action, where revolution is subsequently successful and the new government is recognized by ours..... | 906 |
| Contracts—lex loci contractus—stipulation of parties | 666 |
| Foreign laws—courts do not take judicial knowledge of—foreign statutes, how proved..... | 666 |
| Foreign receivers—when recognized—removal of assets..... | 831 |
| CONSTITUTIONAL LAW. | |
| Carriers—interstate commerce—State may prescribe rule of evidence by which contracts shall be proved—Code, sec. 1295..... | 907 |
| Conclusiveness of enrolled bills—presumption when record is silent.682, 836 | |
| Due process of law—equal protection of the laws—regulation of tolls of turnpike company..... | 26 |
| Local assessment for park improvements..... | 748 |
| Penalty of disqualification for buying or selling office—sec. 166 of Code. 470 | |
| Statute authorizing administration upon estate of person absent seven years—unconstitutional if person alive | 914 |
| Taxation of newspapers—freedom of the press..... | 890 |
| Telegraph companies—secs. 1291–2, regulating delivery of messages, not unconstitutional..... | 369 |
| Title of act—sec. 2485 of Code—supply liens—retroactive laws..... | 867 |
| CONTRACTS. | |
| Conditions—to purchase land if a certain case “goes in his favor”—contrary decision in lower court, reversed on appeal, fulfills condition, 824 | |
| Conflict of laws—lex loci contractus determines validity, nature, interpretation and effect..... | 666 |
| Electric wiring—substantial compliance and acceptance of work—owner of building liable for contract pree, less damages for imperfections... . | 452 |

CONTRACTS—Continued.

| | PAGE |
|---|-------------|
| For benefit of third person by deed <i>inter partes</i> —unless named or definitely pointed out, parol evidence cannot identify—sec. 2415 of Code.. | 584 |
| Illegal—attorney's contract to prevent finding an indictment..... | 607 |
| Illegal—compounding crime—essentials of proofs..... | 678 |
| Illegal—Maxims <i>nemo allegans</i> , and <i>in pari delicto</i> discussed..... | 884 |
| Money advanced to improve realty—simple contract..... | 303 |
| Parol—after contract is closed with duly authorized agent, the latter prepares a telegram, in presence of other party, advising principal that contract is closed subject to his approval—the contract is not thereby converted into a written contract | 738 |
| Voluntary subscriptions to incorporated college, enforceable..... | 462 |
| <i>See “Customs and Usages,” “Statute of Frauds,” “Specific Performance.”</i> | |

CONVICTS.

| | |
|---|-----|
| Suit may be prosecuted against, in this State, if a citizen thereof, though confined in foreign penitentiary..... | 873 |
|---|-----|

CORPORATIONS.

| | |
|---|-----|
| Charter a contract—regulation of tolls..... | 26 |
| Conveyance to corporation, having limited existence, is a fee..... | 906 |
| Directors—must act in interest of all shareholders — fraud on shareholders..... | 460 |
| Directors of National banks—liability..... | 671 |
| Equal protection of laws—due process of law—corporations are persons within meaning of U. S. Constitution securing..... | 26 |
| Foreign—For purpose of suit may be resident in State other than its domicil..... | 873 |
| Foreign—Removal to Federal court—Essentials of petition..... | 873 |
| Foreign—venue of suits concerning internal management..... | 468 |
| Insolvent—bill to wind up—characteristics..... | 369 |
| Insolvent—equity jurisdiction at suit of simple contract creditor, to administer assets..... | 369 |
| Liquidation—powers of directors suspended after steps by shareholders to go into..... | 460 |
| Preferences by corporations chartered by court—sec. 1149 of Code..108, 114 | |
| Promoters—contracts by, for personal benefit—corporation subsequently created cannot sue thereon, unless contract assigned to it..... | 597 |
| Receivers of—rights in foreign State..... | 831 |
| Seals—mere presence of seal not sufficient proof..... | 279 |
| Seals—must be recognized in body of instrument—parol evidence not admissible..... | 722 |
| Shareholders—actions against under recent Virginia statute | 742 |
| Shareholders—Defense of illegality—Lottery scheme—Rights of creditors..... | 884 |
| Shareholders—liability to creditors, where payment for shares made in property at inflated value..... | 675 |
| Stock dividends—as between life tenant and remainderman..... | 753 |
| <i>See “Municipal Corporations.”</i> | |

| CORRESPONDENCE. | PAGE |
|--|---------|
| Delinquent lands— <i>Thomas W. Gardner</i> | 617 |
| Delinquent lands— <i>S. V. Fulkerson</i> | 619 |
| Garnishment of non-resident who has effects in the State— <i>J. W. Read</i> .. | 235 |
| Garnishment of non-resident— <i>Hunsdon Cary</i> | 320 |
| Garnishment of non-resident— <i>J. George Hiden</i> | 322 |
| Lesser Seal of State— <i>Williams T. Davis</i> | 617 |
| Mr. Wirt's <i>jeu d'esprit</i> and Mr. Warden's apology— <i>W. W. Old</i> | 621 |
| Property in possession of execution debtor— <i>Isaac P. Bell</i> | 547 |
| Table for ascertaining present value of dower right—vested or contingent— <i>Hon. W. J. Leake</i> | 69 |
| The Court of Appeals— <i>John T. Harris, Jr.</i> | 546 |
| The Court of Appeals..... | 617 |
| Tribute to memory of Judge E. C. Burks— <i>Hon. S. G. Whittle</i> | 387 |
| CO-TENANCY. | |
| Improvements and repairs made by one co-tenant—liability of others to contribute—statute of limitations..... | 55 |
| <i>See "Partition."</i> | |
| COUPLED WITH AN INTEREST. | |
| <i>See "Powers."</i> | |
| COURTS. | |
| County—jurisdiction in misdemeanor cases..... | 17 |
| <i>See "Jurisdiction of Courts," "Federal Courts."</i> | |
| COVENANT. | |
| Action of—statute in Virginia making interchangeable with assumpsit, discussed..... | 829 |
| CRIMINAL LAW. | |
| Larceny of property found..... | 609 |
| Intoxicating liquors—closing bar-room under sec. 3804 of Code..... | 49 |
| Intoxicating liquors—State laws—municipal ordinance on same subject.. | 49 |
| CRIMINAL PRACTICE. | |
| Discharge from prosecution—sec. 4047 of Code..... | 99 |
| Indictment for murder—essentials of..... | 99 |
| Justice of the peace—appeal must be taken at time judgment rendered, not afterwards..... | 460 |
| Liquor laws—breach of—indictment..... | 49 |
| Misdemeanor—indictment for felony in county court—jury may convict of misdemeanor..... | 17, 447 |
| Murder—how charged..... | 99 |
| Possession of fruits of crime—presumption..... | 99 |
| Presence of prisoner—not essential for continuance, before arraignment..... | 99, 107 |
| Recognizances—condition—must comply with sec. 4093 of Code, otherwise void..... | 373 |
| CUSTOMS AND USAGE. | |
| Conflicting with rule of law—not allowed—surveys—horizontal measurements..... | 459 |

CUSTOMS AND USAGE—Continued.

| | PAGE |
|--|----------|
| Essentials—certain, uniform, general and notorious in the locality— prima facie known to the parties..... | 452 |
| Existence and extent is question of fact for jury..... | 453 |
| Local laws—do not exist in Virginia..... | 136 |
| Pleading—need not be alleged—matter of evidence..... | 452 |
| Presumed to enter into contract, if known to parties, or so general as to be presumed to be known..... | 136, 452 |

DAMAGES.

See “Measure of Damages.”

DEAD BODIES.

| | |
|---|-----|
| Action by father for unauthorized autopsy upon dead body of child.... | 908 |
| Rights of widow as to dead body of husband..... | 228 |

DEATH.

| | |
|---|---------------|
| Human being—action for damages caused by death of, not maintainable by any person injured by, in absence of statute..... | 837 |
| Venue of action—death occurring in foreign state..... | 607, 645, 668 |

DECREES.

See “Judgments.”

DEDICATION.

| | |
|--|-----|
| Public square—eighty years' use—irrevocable dedication—inalienable by public authorities..... | 462 |
|--|-----|

DEEDS.

| | |
|--|-----|
| Commissioner's—departure from decree, subsequently ratified..... | 454 |
| Construed as a whole—repugnant clauses..... | 44 |
| Interlineations—defacement—if immaterial, do not affect validity..... | 665 |
| Lease for five years, with option to renew, need not be by deed..... | 444 |
| Names—grantee “Fayette Murray,” certified by “F. Murray”—not presumed to represent same person..... | 450 |
| Quit-claim—purporting to convey grantor's “interest, whatever that may be,” subordinate to prior unrecorded deed..... | 665 |
| Recitals—that grantor is widow in 1851, presumed, though it appears that in 1804 she was a married woman..... | 454 |
| Registry—notice only to creditors and purchasers..... | 468 |
| Release—effectual to convey title, though releasor not in possession— Code, sec. 2439..... | 454 |

DEEDS OF TRUST.

| | |
|---|----------|
| Death of trustee—execution of trust by personal representative—pre- sumptions of regularity..... | 81 |
| On stock of goods..... | 849, 905 |
| <i>See “Fraudulent Conveyances,” “Trusts and Trustees,” “Liens.”</i> | |

DELINQUENT LANDS.

| | |
|---|-----|
| Lien for taxes—superior to other debts of decedent..... | 739 |
| Notice of application to purchase—under Acts 1895-6, p. 219, may be served personally, on non-resident, or by publication..... | 523 |
| Redemption—certificate of auditor—presumption that redemption was by party in interest..... | 454 |

| DELINQUENT LANDS— <i>Continued.</i> | PAGE |
|---|----------|
| Tax titles—purchaser from auditor of lands purchased by commonwealth—title cannot be impeached except by showing property not properly chargeable with the taxes..... | 523 |
| Tax titles—purchaser's title at tax sale superior to prior vendor's, or other, lien..... | 523, 739 |
| DE MINIMIS. | |
| Appellate court will not reverse decree for error of two dollars..... | 459 |
| DEMURRER. | |
| Admits only facts well pleaded..... | 584 |
| Statute of limitations cannot be availed of by..... | 63 |
| DEMURRER TO EVIDENCE. | |
| <i>See “Practice at Law.”</i> | |
| Dogs. | |
| <i>See “Animals.”</i> | |
| DOWER. | |
| Assignment—principles regulating..... | 51 |
| Table for ascertaining present value of..... | 69 |
| EASEMENTS. | |
| Right to take water—charged on property of one co-tenant in favor of another in partition suit—to be reasonably exercised..... | 457 |
| Ways by necessity..... | 536 |
| EDITORIAL. | |
| Actions for wrongful death occurring in another State..... | 607, 668 |
| Admission to the bar in Illinois..... | 604 |
| Admission to the bar in Virginia—forms of application..... | 153 |
| Admission to the bar on diploma from a law school..... | 530 |
| Admission to the bar in West Virginia..... | 317 |
| Appeals in criminal cases..... | 61 |
| Assignment of choses in action—assignee's remedy against assignor—practice..... | 745 |
| Banks and banking—liability of collecting bank for default of sub-agent | 746 |
| Banking laws of Virginia..... | 533 |
| Bar examination at Staunton..... | 465 |
| Bar examination at Wytheville..... | 315 |
| Chancellor Kent's unpublished letter..... | 603 |
| Charging the jury..... | 233 |
| Charitable trusts in Virginia— <i>Fifield v. Van Wyck</i> | 537 |
| Check as an assignment..... | 60 |
| Civil service—injunction to prevent removal from office..... | 381 |
| Compounding crime—essentials of proofs..... | 678 |
| Conclusiveness of officer's return on process—relief in equity..... | 435 |
| Consent decrees against infants..... | 750 |
| Corporations—recent legislation in Virginia regulating enforcement of stock subscriptions..... | 743 |
| Covenant and assumpsit—interchangeable, by statute..... | 829 |
| Death of Judge Waller R. Staples. | 375 |
| Declarations on contract of married women, under Virginia Code..... | 614 |

EDITORIAL—Continued.

| | PAGE |
|--|----------|
| Deed of trust on stock of goods..... | 905 |
| Definition of lawful fence in Virginia..... | 463 |
| End of volume III..... | 904 |
| Fire insurance—insurable interest—revenue stamps—subrogation..... | 154 |
| Foreign corporations—venue of suits concerning internal management..... | 468 |
| Foreign receivers..... | 831 |
| Fraudulent conveyances—priority of attacking creditor..... | 743 |
| Game laws—police power—extent..... | 540 |
| Gaming—is foot ball illegal in Virginia?..... | 470 |
| Garnishment of debt contracted after service of writ..... | 379 |
| Government by injunction..... | 603 |
| Government by injunction in Virginia..... | 684 |
| Gov. Griggs' address before American Bar Association..... | 531 |
| Homestead exemption—form of waiver..... | 309 |
| Husband and wife—improvements placed on wife's realty by insolvent husband—rights of creditors..... | 430 |
| Infants' contracts—are any of them void?..... | 610 |
| Injunction to protect trade secrets..... | 535 |
| Judge Burks' illness..... | 150, 228 |
| Judge Burks' death..... | 305 |
| Judgment—lien on expectancies..... | 471 |
| Judgment liens—priorities—marshalling | 744 |
| Judicial gowns..... | 680 |
| Law course at the University of Virginia—recent changes..... | 670 |
| Lawyer in his own case..... | 671 |
| Libel—justification..... | 469 |
| Lien of vacation decrees and judgments by confession..... | 462 |
| Life insurance—creditor—cessation of interest..... | 832 |
| Life insurance—right of insurer against one who wrongfully causes death of insured..... | 154 |
| Life insurance—suicide when sane— <i>Ritter v. Mutual Life Ins. Co.</i> | 830 |
| Limitation of estates—effect of power of disposition to taker of a limited estate..... | 65 |
| Mechanics' liens on public property..... | 151 |
| Mortgages executed by infants—disaffirmance—return of consideration.. | 313 |
| Mortgages securing negotiable paper—negotiability..... | 310, 715 |
| National banks—liability of directors..... | 671 |
| National banks—liability of pledgees—fiduciaries | 156 |
| Negative testimony..... | 152 |
| Negotiable paper—indorsement in the form of assignment..... | 464 |
| Negotiable paper secured by lien—fraudulent release by payee after trans- fer of paper..... | 714 |
| Notice by registry—extent | 468 |
| Parent and child—revivability of action for loss of service of child..... | 837 |
| Partnership—social and individual creditors..... | 608 |
| Patent cases—incidental jurisdiction of State court..... | 669 |
| Penalty for buying or selling office—sec. 166 of Code..... | 470 |

| EDITORIAL— <i>Continued.</i> | PAGE |
|--|----------|
| Perjury—prevalency..... | 841 |
| Plain language from the bench..... | 670 |
| Postmasters—liability for embezzlement by clerk..... | 669 |
| Presumption of chastity of female in prosecution for seduction..... | 161 |
| Presumptions of fact conflicting with presumptions of innocence..... | 160 |
| Prof. Graves' retirement from associate editorship of the Va. Law Register..... | 59 |
| Railroads—police power..... | 151 |
| Reorganization of the law school of Washington & Lee University..... | 229 |
| Resignation of Mr. Justice Field..... | 529 |
| Revivability of actions..... | 442 |
| Statute of limitations—defense by demurrer—Lord Campbell's Act—personal plea..... | 63 |
| Statute of limitations—prolongation of period—sec. 2934 of Code..... | 532 |
| Suggested legislation—report of committee of Virginia State Bar Association on legislation and law reform..... | 384 |
| Supply liens—Code, sec. 2485..... | 375 |
| Taxation of interstate transportation company..... | 472 |
| Tax titles—superiority of tax lien..... | 527 |
| Usury—Western device to avoid penalty..... | 62 |
| Venue of action for wrongful death—conflict of laws..... | 607 |
| Virginia legislation—Acts of Assembly..... | 668 |
| Virginia State Bar Association—proceedings of annual meeting at Hot Springs..... | 376 |
| Virginia State Bar Association papers..... | 374 |
| Voting—ability to read the Constitution in English..... | 669 |
| Ways by necessity..... | 536 |
| West Virginia bar examination..... | 374 |
| Wife's contract to convey common law lands..... | 605 |
| Wife's right to sue for loss of consortium..... | 906 |
| Work of the Virginia law schools for 1896-7..... | 230 |
| EJECTMENT. | |
| Adversary possession..... | 763, 843 |
| Confession of judgment by one defendant—when proper..... | 665 |
| Evidence—deed admissible as supplying link in chain of title by reason of reservation contained in it..... | 665 |
| Evidence—record of another suit..... | 665 |
| Reservations in grant—burden on plaintiff to show that property claimed is not within the reservation..... | 455 |
| ELECTIONS. | |
| Electoral boards—mandamus to compel performance of duties..... | 822 |
| Held by two judges, valid—sec. 117, 130 and 133 of Code..... | 284 |
| Voting—ability to read Constitution in English..... | 669 |
| ELECTRICITY. | |
| Electric light plant not a manufacturing industry..... | 528 |
| EQUITABLE ASSIGNMENT. | |
| <i>See "Assignments."</i> | |

EQUITABLE SEPARATE ESTATES.

PAGE

*See "Married Women."***ESTOPPEL.**

By conduct—other party must have been ignorant of truth, and have reasonably relied thereon to his injury 825
See "Evidence."

EVIDENCE.

| | |
|---|---------------|
| Competency of witnesses—agent with whom contract made, competent, though averse party dead..... | 827 |
| Competency of witnesses—the Virginia statutes (secs. 3346, 3348) do not disqualify any witness competent at common law..... | 827 |
| Compounding crime—essentials of proofs..... | 678 |
| Criminal proceedings—accused testifying in his own behalf—rules for cross-examination of..... | 308 |
| Ejectment—record in another suit—deed containing reservation..... | 665 |
| Exceptions to—must be specific..... | 300 |
| Experts—hypothetical questions—not admissible as to matters of common observation..... | 873 |
| Experts—may testify, in action for negligence, as to general practice in handling heavy machinery..... | 448 |
| Experts—who are—largely in discretion of trial court..... | 448 |
| Fires by railroads—evidence of other recent fires..... | 822 |
| Foreign statutes—how proved..... | 666 |
| Fraud—evidence of other like frauds..... | 369 |
| Impeaching own witness—adversary called as witness—no estoppel to disprove testimony..... | 371 |
| Incompetency of witness—objection should be made before examination in chief..... | 426 |
| Negative testimony—value of..... | 152 |
| Negative testimony—that whistle was not sounded, is not negative | 820 |
| Negligence—personal injuries—method of conducting work after injury irrelevant..... | 448 |
| Opinions—dangerous locality..... | 445 |
| Parol—admissible in action on insurance policy to raise equitable estoppel | 823 |
| Parol—not admissible to show that sealed contract <i>inter partes</i> is for benefit of third person—sec. 2415 of Code..... | 584 |
| Parol—in case of ambiguity..... | 50 |
| Patents—books in land office..... | 449 |
| Relevancy—striking out..... | 99 |
| Seals—how proved..... | 722 |
| Usages of trade..... | 136, 452, 459 |
| View of ground by jury—cannot serve as silent witness as to matters not brought out in testimony in court..... | 651 |

*See "Practice at Law."***EXAMINATION FOR ADMISSION TO THE BAR.***See "Admission to the Bar."***EXECUTIONS.***See "Liens," "Fieri facias."*

EXPECTANCY.*See "Lien."***EXPERTS.***See "Evidence."***FACETIAE.**

| | |
|-----------------------------------|-----|
| A long story short..... | 319 |
| An ardent petition..... | 545 |
| An Irishman's deed..... | 752 |
| A social crim. con..... | 475 |
| A Virginia juror..... | 475 |
| A Virginia justice's warrant..... | 620 |
| Definition of socage..... | 475 |
| Miss Sniggs (in verse). | 475 |

FALSE IMPRISONMENT.*See "Malicious Prosecution."***FEDERAL COURTS.**

| | |
|---|-----|
| Alien corporations—removal to Federal court—essentials of petition.... | 873 |
| Conformity to State practice—appeals..... | 697 |
| Decision of State court as to conformity of State statute to State constitution binding on..... | 867 |
| Removal of causes—diverse citizenship—aliens..... | 873 |

FELLOW SERVANT.*See "Master and Servant," "Railroads."***FENCES.**

| | |
|---|-----|
| Lawful fence in Virginia—sec. 2038 of Code..... | 463 |
| <i>See "Railroads."</i> | |

FIELD, HON. STEPHEN, J.

| | |
|--|-----|
| Resignation from bench of U. S. Supreme Court..... | 529 |
|--|-----|

FIERI FACIAS.

| | |
|---|-----|
| Lien of—on property in hands of receiver..... | 23 |
| Lien of—does not extend to chose in action assigned to <i>bona fide</i> purchasers | 302 |
| Lien of, extends to all debts due execution debtor, though not payable before return day..... | 454 |
| Equity of redemption—may be levied on—no lien in such case without levy..... | 426 |
| <i>See "Liens."</i> | |

FIRE.*See "Railroads."***FIRE INSURANCE.**

| | |
|--|----------|
| Agent—general—knowledge of, imputed to company..... | 822, 823 |
| Agent—presumptions as to powers of..... | 822 |
| Evidence—parol testimony may contradict written application, as equitable estoppel..... | 823 |
| Incumbrances—condition against will avoid policy if not observed..... | 55 |
| Insurable interest—landlord in furniture of tenant..... | 823 |
| Insurable interest—revenue stamps..... | 154 |
| Lightning clause—explosion caused by lightning—company liable, though policy excludes loss by explosion..... | 462 |

| FIRE INSURANCE—Continued. | PAGE |
|---|-------------|
| Other insurance—clause against, construed..... | 822 |
| Over-valuation—does not avoid policy unless fraudulent..... | 56 |
| Subrogation of insurer as against wrong-doer..... | 154 |
| Two houses in same policy—construed distributively..... | 823 |
| Type in which policy printed—Code, sec. 3252—in absence of proof, appellate court will presume statute complied with..... | 55 |
| Warranties—burden on insurer to show breach..... | 55 |
| Warranties—strictly construed—in case of doubt court will not construe statements as warranties..... | 55 |
| FIXTURES. | |
| Machinery when regarded as realty..... | 108 |
| FOOT BALL. | |
| Is it prohibited under Virginia statute?..... | 470 |
| FORMS. | |
| Application for admission to the bar in Virginia..... | 152 |
| Declarations against married woman, under Virginia Code..... | 614 |
| FORTHCOMING BONDS. | |
| Payable to creditor—if payable to sheriff, has not force of a judgment—Code, secs. 3617, 3619..... | 451 |
| FRAUD. | |
| Evidence of other like frauds, at or about same time, admissible..... | 369 |
| <i>In pari delicto—nemo allegans.</i> | 873 |
| Misrepresentations—right of other party to rely upon without inquiry.. | 842 |
| Rescission—defrauded party must act with promptness after discovery of the fraud..... | 457 |
| Sciencer—not essential in equity or at law where equitable plea allowed. | 873 |
| See “Statute of Frauds,” “Chancery Practice.” | |
| FRAUDULENT CONVEYANCES. | |
| Conveyances to defraud creditors—in general..... | 297 |
| Deed of trust on stock of goods..... | 849, 905 |
| Deed of trust—trustee authorized to sell in due course of trade, not fraudulent <i>per se</i> | 116 |
| Deed void on face for fraud—no proof received to show good faith..... | 287 |
| Failure to list bond for taxation—may still be evidence of consideration for conveyance..... | 426 |
| Fraud—may be inferred from the transaction, though denied by answers of defendants and evidence of witnesses..... | 451 |
| Fraud—must be alleged and clearly proved—guilty knowledge of grantee necessary..... | 451 |
| Fraudulent <i>per se</i> , when trustee is invested with powers adequate to defeat trust..... | 48 |
| Husband to wife—bond from husband, not evidence of debt to wife, as against his creditors..... | 426 |
| Husband to wife—burden of proof on wife to show valuable consideration..... | 426 |
| Husband to wife—consideration—assumption of liens by wife—burden of proof..... | 373 |

| FRAUDULENT CONVEYANCES— <i>Continued.</i> | PAGE |
|--|---------------|
| Husband and wife—property acquired by wife, when husband insolvent—presumption—how rebutted..... | 451 |
| Husband and wife—improvements by insolvent husband on wife's realty—rights of creditors..... | 430, 914 |
| Husband and wife—wife's right to sue for loss of consortium..... | 906 |
| Knowledge of grantee—may be proved from circumstances..... | 371 |
| Priority of attacking creditor—deed securing valid and invalid debts..... | 743, 825 |
| Release clause in deed of assignment—conditions essential to validity of deed..... | 287 |
| Release clause—insolvent debtor may require release of creditors who participate, provided he conveys all of his property..... | 287 |
| Subsequent fraud of trustee will not avoid—removal of trustee..... | 116 |
| FUTURE ADVANCES. | |
| <i>See “Mortgages.”</i> | |
| GAMING. | |
| Virginia statute—is foot ball illegal?..... | 470 |
| GAME LAWS. | |
| Virginia statute prohibiting killing of quail..... | 540 |
| Police power—extent of State's right to regulate the taking of game..... | 540 |
| GARNISHMENT. | |
| Debt created after service of writ..... | 379 |
| Of non-resident, who has effects within the State..... | 235, 320, 322 |
| GOVERNMENT BY INJUNCTION. | |
| Boycotting—injunction against..... | 677 |
| Paper by W. G. Peterkin..... | 549 |
| Paper by S. S. P. Patteson..... | 625 |
| Virginia—injunction by Court of Appeals against trespass by strikers..... | 684 |
| GRAVES, PROF. C. A. | |
| Retirement from associate editorship of the VIRGINIA LAW REGISTER... .. | 59 |
| GRIGGS, HON. JOHN W. | |
| Address before American Bar Association..... | 506, 531 |
| HEALTH LAWS. | |
| Quarantine—vaccination—police power..... | 606 |
| HOMESTEAD EXEMPTION. | |
| Form of waiver..... | 309 |
| HUSBAND AND WIFE. | |
| Husband not responsible to real estate agent for commissions on sale of wife's lands, though employed by both..... | 453 |
| Improvements by husband on wife's real estate—rights of husband's creditors..... | 430, 914 |
| Insolvent husband—property acquired by wife—presumption—how rebutted..... | 451 |
| Postnuptial settlements—burden of proof to sustain, on wife—presumptions..... | 426 |
| Postnuptial settlements—consideration—assumption of debts charged as liens..... | 373 |
| <i>See “Married Women,” “Marriage and Divorce,” “Fraudulent Conveyances.”</i> | |

| | PAGE |
|---|---------------|
| IGNORANCE OF RIGHTS. | |
| Excuses laches..... | 54 |
| INDEPENDENT CONTRACTOR. | |
| See " <i>Master and Servant.</i> " | |
| INFANTS. | |
| Consent decrees against..... | 750 |
| Contracts—right of other party, upon disaffirmance by infant..... | 313 |
| Contracts—when void, if ever..... | 610 |
| Contributory negligence of—care required of child ten years of age..... | 300 |
| Mortgage executed by—disaffirmance—return of consideration..... | 313 |
| INJUNCTION. | |
| Boycotting enjoined..... | 677 |
| Government by injunction..... | 549, 625, 684 |
| Malicious suing out—action for damages—statute of limitations..... | 439 |
| Nuisances—flooding cellar—irreparable injury—public works..... | 451 |
| Removal from office—civil service..... | 381 |
| Strikers—enjoined from trespassing, by Virginia Court of Appeals..... | 684 |
| Trade secrets—protection by..... | 535 |
| <i>See "Chancery Practice."</i> | |
| INSTRUCTIONS. | |
| Correctly propounding the law, with evidence to support, must be given. | 453 |
| Evidence to support—by predicating instruction thereon, party estopped to deny existence of such evidence..... | 650 |
| Ignoring all evidence on one side—erroneous..... | 453 |
| Statute of limitations—instructions should inform jury that if action did not accrue within statutory period, it is barred | 453 |
| <i>See "Practice at Law."</i> | |
| INSURANCE POLICY. | |
| Amount may be recovered by motion..... | 279 |
| Enforcement of policy in equity, where court has jurisdiction on other grounds | 58 |
| Payment of premiums—non-payment, and no waiver, established in this case | 827 |
| <i>See "Fire Insurance," "Life Insurance."</i> | |
| INTERSTATE COMMERCE. | |
| Police power—State statute requiring trains to stop at certain stations... . | 151 |
| State may prescribe rule of evidence by which contracts affecting inter- state commerce must be proved—Code, sec. 1295..... | 907 |
| Taxation of transportation companies..... | 472 |
| INTOXICATING LIQUORS. | |
| License to sell is not a property right—may be revoked without judicial proceeding..... | 616 |
| <i>See "Criminal Law."</i> | |
| JUDGMENTS. | |
| By default—correction of errors by motion—sec. 3451..... | 431 |
| Foreign—adjudication in bankruptcy—collateral attack..... | 454 |
| Lien of—judgment is a legal lien and personality need not be first exhausted | 826 |

| JUDGMENTS—Continued. | PAGE |
|--|----------|
| Lien of, on expectancies..... | 471 |
| Lien of vacation decrees and judgments by confession— <i>Hockman v. Hockman</i> | 462 |
| Relief against in equity—false return of officer..... | 431, 435 |
| Void and voidable—relief under sec. 3451 of Code..... | 431 |
| <i>See "Liens."</i> | |
| JUDICIAL GOWNS. | |
| A plea in behalf of..... | 680 |
| JUDICIAL OFFICERS. | |
| Police commissioners are not..... | 120 |
| Exemption from liability does not extend to acts beyond jurisdiction..... | 120 |
| JUDICIAL SALES. | |
| Inadequacy of price—if sufficiently advertised, well attended and fairly conducted, should be confirmed..... | 451 |
| <i>See "Chancery Practice."</i> | |
| JURISDICTION OF COURTS. | |
| Conflict—court which first acquires cognizance, will retain it—exceptions..... | 824 |
| County court, in misdemeanor cases..... | 17 |
| Fictitious credit—fraud on jurisdiction..... | 735 |
| How acquired—service of process—in case of conflict prior service of process secures jurisdiction..... | 824 |
| If equity without jurisdiction, objection may be raised at any time..... | 50 |
| Objection to jurisdiction—plea in abatement..... | 738, 873 |
| Patents—incidental question—in State courts..... | 669 |
| JURY. | |
| Charging the jury..... | 233 |
| Disqualification of jurors—debtor of party to suit..... | 50 |
| JURY TRIALS. | |
| Court of chancery may try legal rights without jury, if jurisdiction exists on other grounds..... | 58 |
| JUSTICES OF THE PEACE. | |
| Appeal in criminal case—must be taken at time judgment rendered—not afterwards..... | 460 |
| Jurisdiction—fictitious credit, for jurisdictional purposes..... | 735 |
| Jurisdiction—undervaluation of damages for tort, in order to oust jurisdiction of court of record—prohibition granted..... | 735 |
| KENT, CHANCELLOR. | |
| Unpublished letter of..... | 563 |
| LACHES. | |
| Ignorance of rights, relations of parties and other circumstances will excuse..... | 54 |
| Rescission—no bar, unless prejudice results..... | 740 |
| LANDLORD AND TENANT. | |
| Entry—mere execution of lease does not create relation of—entry necessary..... | 444 |
| Lease—abandonment by tenant—measure of damages..... | 444 |

| | PAGE |
|---|----------|
| LANDLORD AND TENANT—<i>Continued.</i> | |
| Lease for five years, with option to renew for five additional years, is not a lease for ten years, and no deed required..... | 444 |
| LAND OFFICE. | |
| Books as evidence..... | 449 |
| LAW AND THE LADY, THE. | 159 |
| LAW MAKING. | |
| Paper by Hon. John W. Griggs | 506 |
| LAW SCHOOLS. | |
| Diploma from, in lieu of bar examination..... | 530 |
| Extension of course of study, recommended by American Bar Association | 828 |
| Work of the Virginia, for 1896-7..... | 230 |
| LEADERLESS GOVERNMENT. | |
| Paper by Prof. Woodrow Wilson..... | 337 |
| LEGAL CARDS. | 319, 754 |
| LEGISLATION AND LAW REFORM. | |
| Report of committee of Virginia State Bar Association..... | 384 |
| LEGISLATION SINCE THE CODE. | |
| Paper by Hon. W. P. McRae..... | 395 |
| LIBEL AND SLANDER. | |
| Jury best judge of issue..... | 666 |
| Justification—repetition of a libel—necessary to prove not only that the statement was made, but that it is true..... | 469 |
| LIENS. | |
| Entry of satisfaction under Code, sec. 2498—statute not applicable except in case of actual satisfaction..... | 445 |
| Entry of satisfaction under Code, sec. 2498—carries legal title..... | 705 |
| Fieri facias—choses in action..... | 454 |
| Fieri facias—no lien on equity of redemption in personal property, un- less levied..... | 426 |
| Fieri facias—property in hands of receiver..... | 23 |
| Fieri facias—bona fide assignee of chose in action, for value, has priority over..... | 302 |
| Fraudulent conveyances—sec. 2460 of Code—deed securing valid and in- valid debts—lien of attacking creditor, subsequent to valid debts se- cured..... | 825 |
| Judgments—expectancies..... | 471 |
| Judgment—priorities—part of lands aliened after judgment—the judg- ment creditor has priority over subsequent lien creditors, as to lands retained..... | 826 |
| Judgment—has priority over prior unrecorded deed, and over deed of trust executed by judgment debtor's vendee to secure purchase money, though deed of trust duly recorded..... | 738 |
| Judgment—priorities—marshalling..... | 744 |
| Labor liens under sec. 2486 of Code..... | 86 |
| Labor Liens—salaries of manager, secretary and treasurer excluded.... | 375 |
| Materials—furnished to contractor for public building—no lien on fund due by city to contractor..... | 454 |

| LIENS— <i>Continued.</i> | PAGE |
|---|---------------|
| Negotiability of, when securing negotiable paper..... | 310, 705, 714 |
| Negotiable paper secured by—effect of release by payee, after transfer of paper..... | 705 |
| Notice—purchaser must take notice of all incumbrances disclosed by title papers..... | 54 |
| Oweltiy of partition—binds the land, not the person..... | 54 |
| Supplies—what are, under sec. 2485..... | 50 |
| Supply liens—carrier's claim for transportation charges excluded..... | 375 |
| Supply liens—goods furnished commissary store excluded..... | 375 |
| Supply liens—priority over pledges of product of manufacturing com- pany, under sec. 2485 of Code..... | 375 |
| Supply liens—Sec. 2485 of Code unconstitutional in so far as retroactive. | 867 |
| Vacation decrees and judgments by confession—(<i>Hockman v. Hockman</i>). Vendor's—continues until waived, released or satisfied—not waived in this case..... | 462 825 |
| <i>See “Mortgages,” “Chancery Practice,” “Mechanics’ Liens.”</i> | |
| LIFE INSURANCE. | |
| Interest of beneficiary or assignee—if sufficient when policy issued or assigned, need not continue..... | 287 |
| Interest—creditor—effect of payment of debt, or cessation of interest otherwise..... | 832 |
| Recovery may be by motion under sec. 3211..... | 666 |
| Rights of insurer against person causing wrongful death of insured..... | 154 |
| Suicide—definition of insanity which will excuse. | 776 |
| Suicide—if insured sane, policy void, if payable to estate of insured.... | 776 |
| Suicide—policy payable to estate, and permitting suicide, void..... | 776 |
| Suicide of insured, while sane—policy payable to himself—policy pay- able to others..... | 830 |
| LIMITATION OF ESTATES. | |
| Gift for life, remainder over, with power of disposition in life-tenant.... | 65 |
| “To A and B and their heirs—on condition that A is to have a life estate and after his death to B in fee”—carries life estate to A, re- mainer to B..... | 44 |
| LIMITATIONS. | |
| <i>See “Statute of Limitations.”</i> | |
| LORD CAMPBELL’S ACT. | |
| <i>See “Death.”</i> | |
| MALICIOUS PROSECUTION. | |
| False imprisonment—essential allegations—measure of damages..... | 120 |
| Injunction—action for damages for wrongful—statute of limitations.... | 439 |
| Malicious entry of judgment on judgment note, late at night, and levy- ing execution against solvent debtor for purpose of injuring his credit, is no abuse of process..... | 840 |
| MANDAMUS. | |
| Inability to obey is sufficient answer to the proceeding..... | 449 |
| To compel commissioners of election to count the vote..... | 284 |
| To compel judge to sign bill of exceptions..... | 286 |

MANUFACTURING COMPANIES.*See "Liens," "Electricity."***MARRIAGE AND DIVORCE.**

| | |
|--|-----|
| Alimony to husband..... | 60 |
| Alimony—in suit by wife, court may grant alimony out of husband's property within jurisdiction of court, sequestered through medium of receiver, though defendant is non-resident and summoned by publication..... | 841 |
| Breach of promise of marriage—action not revivable..... | 442 |

MARRIED WOMEN.

| | |
|--|----------|
| Contract to convey common law lands..... | 605 |
| Equitable separate estates—effect of Code of 1887..... | 793 |
| Equitable separate estates—no trustee named..... | 793 |
| Equitable separate estates—restriction upon alienation and charging..... | 793 |
| Forms of declarations against, under Virginia Code..... | 614 |
| General contractual powers under Virginia Code..... | 635, 797 |

MASTER AND SERVANT.

| | |
|--|-----|
| Duty to exercise ordinary care for safety of servant..... | 461 |
| Fellow servants—boss of gang, without authority to employ or discharge, and laborer, are..... | 448 |
| Fellow servant—brakeman and engineer..... | 461 |
| Fellow servants—conductor and brakeman..... | 807 |
| Hirer of vehicle with driver—who is the master..... | 609 |
| Independent contractor—employer liable for negligence of, to persons invited upon employer's premises..... | 572 |
| Non-assignable duties—fellow servant—gradation of service..... | 807 |
| Railroads—brakeman—mismatched couplings—knowledge of brakeman—disobedience of instructions..... | 461 |
| Safe machinery—knowledge of defect by servant, without complaint, and without promise of master to remove, is assumption of risk by servant | 461 |
| Safe place—if rendered unsafe by manner in which a fellow servant, though superior in authority, directs work to be done, master not liable..... | 448 |
| Warning of danger—if servant is inexperienced, or otherwise ignorant of risks, master must instruct him..... | 448 |

*See "Principal and Agent."***MEASURE OF DAMAGES.**

| | |
|---|-----|
| Breach of contract to loan money—nominal..... | 613 |
| Breach of warranty, of quality of fertilizer..... | 136 |
| Building contracts—electric wiring—substantial compliance—builder entitled to contract price, less damages to compensate owner for imperfections..... | 452 |
| Compensatory—punitive—when proper..... | 130 |
| Counsel fees—when allowed as part of damages..... | 130 |
| Deprivation of use of lot for building purposes—rent..... | 130 |
| Expected profits—when allowed..... | 130 |
| False imprisonment..... | 120 |
| Landlord and tenant—abandonment of lease by tenant..... | 444 |

| MEASURE OF DAMAGES— <i>Continued.</i> | PAGE |
|--|---------------|
| Mental anguish in telegraph cases..... | 222 |
| Personal injuries—in discretion of jury..... | 52 |
| Principal and agent—discharge of agent without good cause—what is sufficient cause..... | 740 |
| MECHANICS' LIENS. | |
| Machinery attached to realty subject to..... | 108 |
| Public property not liable to..... | 151, 304, 454 |
| Statute of limitations—affects right, and not remedy only..... | 64 |
| Statute of limitations—other lienors may plead..... | 446 |
| MENTAL ANGUISH. | |
| <i>See “Measure of Damages.”</i> | |
| MERGER. | |
| Joint trespassers—judgment against one, merges cause of action against others..... | 803 |
| MONEY HAD AND RECEIVED. | |
| Failure of consideration—money paid on sealed contract—assumpsit is proper remedy..... | 597 |
| MORTGAGES. | |
| Assumption by vendee—personal decree..... | 51 |
| Assumption of debt by vendee—mortgagee subrogated to mortgagor's rights..... | 56 |
| Future advances—effect of recordation of subsequent lien—advances obligatory..... | 834 |
| Infants' mortgage—disaffirmance—return of consideration..... | 313 |
| Negotiable paper secured by—whether mortgage negotiable..... | 310, 705 |
| MOTIONS TO RECOVER MONEY. | |
| Life insurance policy—recovery may be by motion—sec. 3211..... | 279, 666 |
| Notice serves as both writ and declaration..... | 279 |
| MUNICIPAL CORPORATIONS. | |
| Charter powers—conflict between charter and general law—Code, secs. 1042, 1048..... | 890 |
| Condition of jail—liability of city for damages to prisoner..... | 534 |
| Dedication of public square—inalienable by corporation..... | 462 |
| Ordinances—renting market stall by officer at auction—employment of auctioneer unauthorized..... | 371 |
| Ordinance—restricting speed of trains to five miles an hour not unreasonable..... | 300 |
| Ordinances—unauthorized by charter—acts wholly <i>ultra vires</i> —destruction of liquor..... | 447 |
| Power to imprison must be express—power to fine does not include..... | 120 |
| Streets—duty of city to keep free from obstructions..... | 52 |
| Streets—improvement of—consequential damages to abutting lot owner—negligence of city..... | 459 |
| Streets—licenses for use of—regulation by subsequent ordinance..... | 189 |
| Streets—obvious obstructions—traveller must keep reasonable lookout.... | 456 |
| Streets—trees in—right to remove..... | 150 |

INDEX.

xxxI

| MUNICIPAL CORPORATIONS—<i>Continued.</i> | PAGE |
|--|---------------|
| Streets—tunnel under, built by railroad company—city not liable for injury to abutting lot owner..... | 303 |
| Taxation—general power of, authorizes taxation of all subjects which legislature might have, but has not, taxed—sec. 1042 of Code..... | 890 |
| Taxation—power to require license tax of non-residents, with office in the city..... | 51 |
| Ultra vires acts—liability for..... | 446 |
| NAMES. | |
| Deed to “Fayette Murray”—certified by “F. Murray”—on demurrer, not presumed to represent same person..... | 450 |
| NATIONAL BANKS. | |
| Directors—liability of..... | 671 |
| Shareholders—liability of pledges—fiduciaries..... | 156, 748 |
| NATURALIZATION. | |
| Who may be naturalized..... | 529 |
| NAVIGABLE WATERS. | |
| <i>See “Riparian Owners.”</i> | |
| NEGLIGENCE. | |
| Contributory—burden of proof on defendant..... | 650, 820 |
| Contributory—may be shown by evidence of either party..... | 301 |
| Contributory—of bailee, cannot be set up in action by bailor against third person..... | 907 |
| Contributory—when plaintiff may recover notwithstanding..... | 301 |
| Independent contractor—negligence of, will not excuse unsafe premises... | 572 |
| Unsafe premises—duty of owner toward persons invited to come upon premises..... | 572 |
| <i>See “Master and Servant,” “Railroads,” “Municipal Corporations.”</i> | |
| NEGOTIABLE INSTRUMENTS. | |
| Attorney’s fee—stipulation for, does not affect negotiability | 895, 903 |
| Check as an equitable assignment..... | 60 |
| Codified negotiable instruments law—adoption in Virginia..... | 905 |
| Fraud in inception—burden on holder to show <i>bona fides</i> | 369 |
| Fraudulent release of lien securing—conflict between <i>bona fide</i> holder of the paper and <i>bona fide</i> purchaser of the land, after the release..... | 705 |
| Indorsement in the form of assignment..... | 464 |
| Mortgages and other liens securing—whether negotiable or not.. | 310, 705, 714 |
| Title to chattel, which is consideration of instrument, retained on face of note—effect on negotiability | 895, 898 |
| <i>See “Banks and Banking.”</i> | |
| NEWSPAPERS. | |
| Taxation of—not abridgement of freedom of press | 890 |
| NEW TRIALS. | |
| <i>See “Appeal and Error,” “Practice at Law.”</i> | |
| NOTICE. | |
| Liens, shown in title papers—purchaser must take notice of..... | 54 |
| Registry of deeds—notice only to creditors and purchasers..... | 468 |

| | PAGE |
|---|----------|
| NUISANCES. | |
| Flooding cellar of abutting proprietor, enjoined..... | 451 |
| OFFICE. | |
| Injunction to prevent removal from..... | 381 |
| Penalty for buying or selling—constitutionality of statute..... | 470 |
| OFFICIAL BONDS. | |
| Sureties—effect of officer holding over..... | 150 |
| <i>See "Bonds," "Forthcoming Bonds."</i> | |
| PARENT AND CHILD. | |
| Injury to child—right of parent to recover for loss of service is a property right, and revivable..... | 837 |
| Wrongful death of child—can parent recover for loss of services in such case?..... | 837 |
| PARTITION. | |
| Allegations of title..... | 457 |
| Improvements by co-tenant—no personal liability on non-consenting tenant—rights of parties..... | 54 |
| Oweltiy—by way of easement to take water from one parcel in favor of another..... | 457 |
| Oweltiy—lien not personal—no statutory bar before Code of 1887..... | 54 |
| Parties—mortgagees and other lienors not necessary..... | 457 |
| Repairs, made by one co-tenant—liability of others to contribute..... | 55 |
| Statute of limitations on claim by one co-tenant for improvements..... | 55 |
| PARTNERSHIP. | |
| Creditors—individual and social—right of individual creditor to levy on partnership effects, where all partners bound—priorities..... | 608 |
| PENALTIES. | |
| Action to recover—pleading..... | 370 |
| PERJURY. | |
| Prevalency of..... | 841 |
| PERSONAL INJURIES. | |
| Action for—assignable, where made revivable by statute..... | 609 |
| <i>See "Death," "Statute of Limitations," "Conflict of Laws."</i> | |
| PHYSICIANS AND SURGEONS. | |
| Degree of care required—malpractice..... | 840 |
| PLEADING AT LAW. | |
| Abatement—plea in—duplicity..... | 873 |
| Assignee—allegations in action against assignor..... | 745 |
| Covenant and assumpsit made interchangeable, in Virginia..... | 829 |
| Declaration on bond of indemnity—what sufficient..... | 873 |
| Declaration on contract—sufficiency..... | 827 |
| Duplicity—in declaration, no ground of demurrer..... | 821, 823 |
| Duplicity—in plea in abatement..... | 873 |
| Duplicity—several facts constituting single cause of action..... | 137 |
| Fraud— <i>scienter</i> need not be alleged in equitable plea, under Code, sec. 3299..... | 873 |
| Indemnifying bond—declaration..... | 444, 873 |
| Jurisdiction—essentials of plea to—when plea necessary..... | 873 |

PLEADING AT LAW—Continued.

| | PAGE |
|---|----------|
| Misjoinder—contract and tort—bad on demurrer..... | 455 |
| Oyer—cannot be craved of instrument declared on as simple contract..... | 270 |
| Penalties—recovery of—essentials of declaration..... | 379 |
| Personal injuries—declaration—particularity of allegations..... | 448 |
| Pleas—several presenting same defence, excluded | 873 |
| Sealed instrument—if declaration is on simple contract, demurrer not proper to raise question of seal or no seal..... | 279 |
| Sealed instrument—failure of consideration—assumpsit proper action to recover money paid..... | 597 |
| Statute of limitations—must be pleaded—not availed of by demurrer..... | 63 |
| Title—allegations of, in action for trespass to property..... | 821 |
| <i>See “Practice at Law.”</i> | |
| POOLS AND TRUSTS. | |
| Review of U. S. v. Trans-Missouri Freight Association by Wm. L. Royall..... | 163, 241 |
| POSTMASTERS. | |
| Liability for funds embezzled by clerk..... | 669 |
| POWERS. | |
| General power of appointment—if exercised in favor of volunteers, will be assets for creditors of appointor..... | 667 |
| Naked, and coupled with an interest..... | 81 |
| PRACTICE AT LAW. | |
| Amendment of declaration—action by agent on contract for undisclosed principal..... | 447 |
| Amendment of declaration—when not improper to allow..... | 873 |
| Certificate of facts—of evidence—duty of trial court..... | 370 |
| Construction of city ordinance is within the province of the court..... | 300 |
| Contract—person not named or pointed out in deed— <i>inter partes</i> as beneficiary, cannot maintain action thereon..... | 584 |
| Convict—action may be prosecuted against, while in penitentiary | 873 |
| Demurrer—admits only facts well pleaded..... | 584 |
| Demurrer to evidence—what admitted by..... | 445 |
| Evidence—exceptions for incompetency need not state what was expected to be proved by him..... | 827 |
| Instructions—are, in law, from the court, without reference to the question by whom offered—must be construed as an entirety..... | 300 |
| Instructions—error, if no evidence upon which to rest..... | 821 |
| Instructions—error to assume facts..... | 449 |
| Instructions—failure to except, waiver of objections to..... | 52 |
| Instructions—should distinctly inform jury as to effect of statute of limitations | 453 |
| Joint trespassers—judgment against one merges action against others.... | 803 |
| New trials—after-discovered evidence—essentials..... | 53 |
| New trial—not granted because court would have found a different verdict | 651 |
| New trial—payment of costs as condition precedent, may be waived by conduct of plaintiff..... | 449 |

| | PAGE |
|---|----------|
| PRACTICE AT LAW—<i>Continued.</i> | |
| New trials—payment of costs—Code, sec. 3542..... | 445 |
| Parties—third person not named or pointed out in sealed contract, cannot maintain action thereon..... | 584 |
| Reading authorities to jury—bill of exceptions to refusal of court to allow | 300 |
| Return of process—need not aver service within officer's bailiwick | 873 |
| Verdict—excessive—to set aside, jury must have been influenced by partiality or prejudice, or by mistaken view of merits..... | 741 |
| Verdict—on plea of non-assumpsit and statute of limitations, general verdict for damages is responsive to both issues..... | 453 |
| Verdict—sufficient if damages assessed for plaintiff with allowance of set-offs to defendant, without actually making the deduction..... | 452 |
| Views—object of—cannot serve as silent witness as to matters not testified to in court..... | 651 |
| <i>See "Instructions," "Pleading at Law," "Appeal and Error," "Motions."</i> | |
| PRESUMPTIONS. | |
| Of fact—of innocence—of chastity..... | 160 |
| Of payment—does not attach in this case..... | 54 |
| Of payment—payment within twenty years, repels..... | 450 |
| PRINCIPAL AND AGENT. | |
| Agency—cannot be established by admissions of alleged agent..... | 51 |
| Contract by agent—if authorized, confirmation by principal not necessary | 738 |
| Dismissal of agent—justifiable cause unknown to principal..... | 741 |
| Dismissal of agent—measure of damages..... | 740 |
| General agent to sell has all powers affixed by custom in that business in that locality..... | 136 |
| Powers of agent—presumption as to—knowledge imputed to principal.... | 822 |
| Special selling factor appointment—if in substance not an agency but a sale, court will so regard it..... | 912 |
| Undisclosed principal—may sue on the contract..... | 447 |
| Warranty by agent—implied authority by usage of trade..... | 136 |
| <i>See "Master and Servant."</i> | |
| PRINCIPAL AND SURETY. | |
| Bonds of public officers—holding over—liability of sureties..... | 150 |
| Subrogation—surety must first satisfy debt to creditor..... | 458 |
| PRISON ASSOCIATION LAWS OF VIRGINIA. | |
| Paper by J. J. Burroughs..... | 421 |
| PROCESS. | |
| Defects cured by appearance..... | 457 |
| Officer's return—conclusiveness..... | 431, 435 |
| Officer's return on attachment—need not recite service within bailiwick.. | 873 |
| PROHIBITION. | |
| Fictitious credit for jurisdictional purposes..... | 737 |
| Justice of the peace—prohibited from taking jurisdiction of claim in tort, where plaintiff has confessedly undervalued his damages for jurisdictional purposes..... | 735 |
| Province of writ is to prevent usurpation of jurisdiction, not to try error... . | 666 |

INDEX.

xxxv

| | PAGE |
|--|---------|
| PUBLIC DEFENDERS..... | 230 |
| PUBLIC OFFICERS. | |
| Liability of postmaster for funds embezzled by clerk..... | 669 |
| RAILROADS. | |
| Bicyclist at crossing—fact of not stopping to look and listen, not negligence, under circumstances of this case..... | 650 |
| Branch lines—though constructed under charter powers, cannot be compelled to maintain and operate..... | 53 |
| Charter—requirements that terminus shall be at one of two points—right to change from one to the other..... | 53 |
| City ordinance regulating speed—not unreasonable..... | 300 |
| City ordinance regulating speed at crossings—irrelevant where injury happened elsewhere..... | 299 |
| Crossings—duty of traveller to look and listen..... | 301 |
| Crossings—gates—gongs—right of traveller to rely upon..... | 650 |
| Discrimination between competing omnibus lines at depots..... | 683 |
| Duty toward person on track..... | 48, 299 |
| Fellow servants—brakeman and conductor—gradation of service—non-assignable duties..... | 807 |
| Fellow servants—brakeman and engineer..... | 461 |
| Fencing track—character of fence required—ditch..... | 460 |
| Fencing track—enclosed lands—enclosure need not be by lawful fence..... | 460 |
| Fencing track—enclosed lands—several tracks in one boundary..... | 460 |
| Fires—burden of proof—evidence of other recent fires..... | 821 |
| Fires—combustible material on right of way—presumptions..... | 826 |
| Frightening horses—public crossings—duty as to use of signals..... | 826 |
| Licensees on track—trespassers—duty of company..... | 299 |
| Mandamus—to compel connection and traffic arrangements with another railroad—not granted if impossible to enforce..... | 449 |
| Passengers—arm protruding through window—contributory negligence... | 528 |
| Passengers—injury while standing on platform..... | 741 |
| Passengers in sleeping car—duty to seasonably awaken..... | 308 |
| Police power—validity of statute requiring trains to stop at certain stations..... | 151 |
| Public crossings—signals—negligence—duty of traveller—obstructed view—need not stop..... | 820 |
| Purchaser under foreclosure proceedings—duties under sec. 1234 of Code—duty as to operation of branch line..... | 53 |
| Purchaser under foreclosure proceedings—liability for obligations of old company | 53 |
| Safe machinery—mismatched couplings—knowledge of brakeman—engineer and brakeman fellow servants..... | 461 |
| Taxation of interstate..... | 472 |
| Traveller at crossing—duty to use ordinary care—in absence of proof, presumptions is that he used such care..... | 650 |
| Trespassers—contributory negligence..... | 300 |
| See "Street Railways," "Master and Servant," "Negligence," "Common Carriers." | |

| RECEIVERS. | PAGE |
|---|-------------------|
| Appointment of—waiver of objection..... | 57 |
| Foreign—recognized only as a matter of comity—rights of domestic creditors—removal of assets..... | 831 |
| Lien of <i>f. fa.</i> upon property in hands of..... | 23 |
| RECOGNIZANCE. | |
| <i>See "Criminal Practice."</i> | |
| RE-ENTRY. | |
| Condition subsequent—right of re-entry belongs to heir, not devisee..... | 751 |
| REGISTRY OF DEEDS. | |
| Notice by—extends only to creditors and purchasers..... | 468 |
| Unrecorded deed has priority over subsequent deed conveying grantor's "interest, whatever that may be"..... | 665 |
| RESCISSON. | |
| <i>See "Fraud."</i> | |
| RES JUDICATA. | |
| Second appeal—questions involved in former appeal, not open to debate... Second suit between same parties—matter not in issue in first suit is not.. Virginia cases on the subject reviewed by M. P. Burks..... | 270 456 273 |
| REVIVABLE ACTIONS. | |
| <i>See "Survival of Actions."</i> | |
| RIPARIAN OWNERS. | |
| Diversion of water—injunction granted, though injury trivial..... | 908 |
| Rights of—navigable waters—low water mark—equity jurisdiction..... | 450 |
| RICHMOND BAR ASSOCIATION. | |
| Resolution commending the Virginia Law Register..... | 530 |
| SALES. | |
| Conditional sales of chattels—retention of title—risk of property, if destroyed..... | 895, 898 |
| Retention of possession by seller..... | 501 |
| Special selling factor appointments..... | 462, 912 |
| Vendor's lien—remedy is at law..... | 50 |
| Warranty—implied—free from latent defects..... | 751 |
| Warranty—of fertilizer—how breach proved—measure of damages..... | 136 |
| Warranty—what constitutes..... | 136 |
| SEALS. | |
| Actual seals as well as scrolls must be acknowledged in body of instruments | 722 |
| Corporation—mere presence, of seal not sufficient evidence of intention to execute sealed instrument—what constitutes..... | 279, 282 |
| Corporate—must be recognized in body of instrument—parol evidence in- admissible..... | 722 |
| <i>See "Pleading at Law," "Corporations."</i> | |
| SEDUCTION. | |
| Presumptions of chastity of prosecutrix..... | 161 |
| SET OFF. | |
| Bank may set off unmatured note of insolvent depositor, against his gen- eral balance..... | 308 |

| SLANDER. | PAGE |
|---|----------|
| <i>See "Libel and Slander."</i> | |
| SLEEPING CAR COMPANIES. | |
| Duty to seasonably awaken passengers..... | 308 |
| SPECIAL LEGISLATION IN VIRGINIA..... | 231 |
| SPECIFIC PERFORMANCE. | |
| Account—error to decree sale before ascertainment of amount due..... | 459 |
| Conditional contract—"if suit goes in his favor"—adverse decision in lower court reversed on appeal—condition fulfilled..... | 824 |
| Contract must be complete, fair and just, without fraud—enforcement discretionary and not of right..... | 459 |
| Contract signed by party to be charged, enforceable..... | 824 |
| Parol contract—not enforced—exceptions..... | 455 |
| STAPLES, HON. WALLER R. | |
| Death of..... | 375 |
| Sketch of, with portrait, by Hon. H. E. Blair..... | 689 |
| STATUTES. | |
| Amendments by implication..... | 367 |
| Conclusiveness of enrolled bills—constitutional requirements..... | 682, 836 |
| Construction—several on same subject construed together..... | 363 |
| Foreign—how proved..... | 666 |
| Intention of legislature—how ascertained..... | 54 |
| Repeals by implication..... | 363, 367 |
| <i>See "Constitutional Law."</i> | |
| STATUTES CONSTRUED. | |
| Acts 1893—4, p. 789—statute of limitations..... | 532 |
| Acts '95—6, p. 773—tax on bonds in hands of commissioners of sale..... | 363 |
| Acts 1895—6, p. 219—tax titles..... | 523 |
| <i>See "Code."</i> | |
| STATUTE OF FRAUDS. | |
| Judicial sales not within..... | 52 |
| Memorandum—resolution of board of directors, duly signed, sufficient..... | 824 |
| Parol contract for interest in realty not enforced..... | 303 |
| Parol lease within—not void—wrong doer, depriving landlord of the property, liable for damages, measured by rent at the contract price..... | 130 |
| Representations as to another's character, credit etc..... | 910 |
| Signature by party to be charged sufficient for specific performance..... | 824 |
| SUPPLY LIENS. | |
| <i>See "Liens."</i> | |
| STATUTE OF LIMITATIONS. | |
| Appeal—from decree refusing bill of review—sec. 3455 of Code..... | 372 |
| Co-tenants—claim of one, for improvements and repairs..... | 55 |
| Demurrer—cannot be taken advantage of by..... | 63 |
| Demurrer—may be availed of by, when limitation applies to the right and not to remedy only..... | 63 |
| Distinction between limitation of right and of remedy..... | 63 |
| Equitable claim—deficiency in quantity of land bought by the acre—ignorance of deficiency excuses delay..... | 458 |

| STATUTE OF LIMITATIONS— <i>Continued.</i> | PAGE | |
|---|----------|----|
| Lien for owelty—no statutory bar prior to Code of 1887..... | 54 | |
| Maliciously suing out injunction—action barred in one year..... | 439 | |
| Mechanics' lien—does the statute bar right or remedy only?..... | 446 | |
| Order of account in creditors' suit intercepts the running of the statute... .. | 450 | |
| Personal plea—exceptions..... | 63, 446 | |
| Prolongation of period, upon failure of action brought in due time—sec. 2934 of Code..... | 532 | |
| Revivable actions—what are..... | 442 | |
| Warranty—breach of—statute runs only from time injury results..... | 909 | |
| STATUTE OF USES. | | |
| Virginia statute—does it execute a devise to uses?..... | 732 | |
| STREETS. | | |
| <i>See "Municipal Corporations."</i> | | |
| STREET RAILWAYS. | | |
| License to use streets—regulation by subsequent ordinance..... | 189 | |
| STRIKES. | | |
| <i>See "Injunctions."</i> | | |
| SUBROGATION. | | |
| Advancement to discharge incumbrance—circumstances here entitle lender to be subrogated..... | 372 | |
| Insurer subrogated to rights of insured against wrong-doer..... | 154 | |
| Surety must first have satisfied debt to creditor—mere execution of separate bond to creditor not sufficient..... | 458 | |
| SURETIES. | | |
| <i>See "Principal and Surety."</i> | | |
| SURVEYS. | | |
| Horizontal measurements proper—local custom cannot vary..... | 459 | |
| SURVIVAL OF ACTIONS. | | |
| Action by parent to recover for loss of services of infant child..... | 837 | |
| Maliciously suing out injunction—action for, not revivable..... | 439 | |
| Personal injuries—direct and indirect injuries to property..... | 442 | |
| TABLES FOR ASCERTAINING PRESENT VALUE OF DOWER RIGHTS. | | 69 |
| TAXES. | | |
| Bank stock—how taxed—taxable though bank's capital exempt..... | 371 | |
| Interstate transportation companies—taxed as unit plant..... | 472 | |
| Lien of—superiority over other liens..... | 523, 739 | |
| Municipal corporation—general power of taxation confers powers as broad as legislature possesses..... | 890 | |
| Newspapers—taxation of, not interference with freedom of the press..... | 890 | |
| Tax on bonds in hands of commissioners of sale—Acts 1895–6, p. 773.... | 363 | |
| <i>See "Delinquent Lands."</i> | | |
| TAX TITLES. | | |
| <i>See "Delinquent Lands."</i> | | |
| TELEGRAPH COMPANIES. | | |
| Action for penalty—Code, secs. 1291–2—essentials of declaration..... | 370 | |
| Mental anguish—damages for, in case of failure to deliver message..... | 222 | |
| Message blanks—restricting of liability—not signed by plaintiff or his agent..... | 370 | |
| Penalty for failure to deliver message—secs. 1291–2 of Code..... | 369 | |

INDEX.

xxxix

| | PAGE |
|---|----------|
| TELEPHONE COMPANIES. | |
| Same in law as telegraph company—entitled to benefit of Act of Congress as to occupying streets as post roads—subject to police power—taxation | 856 |
| TRADE SECRETS. | |
| Protection by injunction..... | 535 |
| TRUSTS AND COMBINATIONS. | |
| The pool and the trust— <i>U. S. v. Trans-Missouri Fr't Ass'n</i> | 163, 241 |
| TRUSTS AND TRUSTEES. | |
| Blended trusts—family settlements..... | 733 |
| Commissions—executor who is also trustee not entitled to double..... | 729 |
| Control of legal title by beneficiaries—purchase of remainder interest by life tenants..... | 729, 732 |
| Duty of trustee as to searching records for liens against beneficiary, before paying over proceeds of sale to latter..... | 828 |
| Motive of gift—income “for support”—liable for debts of beneficiary... | 446 |
| Possession of trustee, acting under orders of court, is possession of court, and cannot be interfered with..... | 820 |
| Restrictions upon alienation and liability for debts—spendthrift trusts.... | 733 |
| Resulting trusts—conveyance to one, payment of purchase money by an- other | 739 |
| Resulting trusts—once established, no subsequent dealings with trust sub- ject by trustee can alter the relation..... | 739 |
| Substitution of trustee, under sec. 3419, determines nothing as to rights of the parties or the character of the deed..... | 667 |
| TUCKER, JOHN RANDOLPH. | |
| Sketch of (with portrait), by R. T. Barton..... | 1 |
| Proposed memorial hall..... | 531 |
| UNIVERSITY OF VIRGINIA. | |
| Briefs and records requested for law library..... | 374 |
| Recent change in requirements for graduation in Law Department..... | 670 |
| UNLAWFUL DETAINER. | |
| Appellate proceedings, generally..... | 225, 226 |
| Right of possession alone in issue—judgment as to title surplusage..... | 225 |
| USAGES. | |
| See “ <i>Customs and Usages.</i> ” | |
| USURY. | |
| Devices to avoid penalties..... | 62 |
| VENDOR AND VENDEE. | |
| Assumption of mortgage by vendee—personal decree..... | 51, 56 |
| Deficiency in quantity of land purchased—amount decreed purchaser should bear interest from date of deed..... | 458 |
| Easements—ways by necessity..... | 536 |
| Knowledge by vendee of previous sale of trees on the land to another—ac- ceptance of conveyance—such sale no breach of warranty..... | 458 |
| Sale by the acre—reference to acreage—presumption..... | 458 |
| Surveys—horizontal measurements proper—not affected by custom..... | 459 |

| VENUE. | PAGE |
|---|---------------|
| Death by wrongful act, occurring in another State..... | 607, 645, 668 |
| Foreign corporations—suits concerning internal management..... | 468 |
| Suit by mortgagee against mortgagor for balance due after foreclosure, may be maintained in this State, though the mortgage was on property in a foreign State..... | 56 |
| VIEWS. | |
| <i>See "Practice at Law."</i> | |
| VIRGINIA COURT OF APPEALS. | |
| Condition of docket May, 1897..... | 60 |
| Work of the court at Wytheville..... | 309 |
| VIRGINIA STATE BAR ASSOCIATION. | |
| Program for ninth annual meeting at the Hot Springs..... | 229 |
| Proceedings of meeting at Hot Springs..... | 376 |
| WASHINGTON AND LEE UNIVERSITY. | |
| Reorganization of the Law School..... | 229 |
| WAYS. | |
| By necessity—by implied grant..... | 536 |
| WEST VIRGINIA. | |
| <i>See "Admission to the Bar."</i> | |
| WILLS. | |
| Charities—gift void for uncertainty— <i>Gallego v. Attorney-General</i> ap- proved— <i>Churchman and Guthrie</i> cases overruled | 209 |
| Clause against contesting—when valid..... | 209 |
| Construction—words of survivorship—gift to a class..... | 666 |
| Conversion of real estate—right of heir who is legatee, to contest..... | 209 |
| Income “for support” of legatee—liable for his debts..... | 446 |
| Lapse of legacy—death of legatee in lifetime of testator, leading issue— secs. 2521 and 2523 of Code..... | 302 |
| Legacy to class—followed by enumeration of beneficiaries, omitting some members of the class..... | 302 |
| Legacy—misdescription—latent ambiguity..... | 302 |
| Trusts—appearing from will, but beneficiary not disclosed, parol evidence not admissible to identify—whole will must be in writing..... | 304, 909 |
| Trusts—if will discloses beneficiary of trust, but not terms, the latter can- not be established by parol..... | 304 |
| Trusts—secret—Fayerweather will case..... | 613 |
| WINGFIELD, JUDGE G. A. | |
| Sketch of (with portrait), by Graham Claytor..... | 755 |
| WRONGFUL DEATH. | |
| <i>See "Death."</i> | |
| WATER. | |
| <i>See "Riparian Owners," "Easements."</i> | |